

REMARKS

Claims 1-3, 5-7, 12-17, 19-22, 24-28 and 52 are pending.

Claims 12-17, 19-22, 24-28, and 52 are allowed.

Claims 1, 2, 6, and 7 are rejected under 35 U.S.C. 102(e).

Claim 5 is rejected under 35 U.S.C. 103(a).

Claims 1, 2, and 12 are currently amended.

No new matter is added.

Applicant requests reconsideration and allowance of the claims in light of the above amendments and following remarks.

Interview Summary

A telephone interview was conducted between the Examiner and Applicant's representative, Brian Wichner, on May 16, 2006. During that interview, the Examiner acknowledged that claim 1 including the amendment *a contact region that is a part of the first stair-stepped metal layer*, as suggested by the Examiner in the Office Action, appears to overcome the cited prior art.

Allowable Subject Matter

Claims 12-17, 19-22, 24-28 and 52 are allowed.

Applicant thanks the Examiner's indication that Claim 3 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Informalities

Claim 12 has been amended to correct a clerical error where the last two lines repeat the previous two lines.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 2, 6 and 7 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,784,478 to Merchant, et al. ("Merchant").

Applicant respectfully traverses the rejection.

Claim 1 has been amended to include the limitation that the contact region is a part of the first stair-stepped metal layer. The Examiner suggested adding this limitation in the Response to Arguments.

The Examiner asserts that Merchant's contact region is the via 44. But because claim 1 has been amended, the conductive via 44 cannot be considered a contact region of claim 1 since it is not a part of the first stair-stepped metal layer.

Thus, Merchant fails to teach all of the elements of the amended claim. Since the conductive via 44 is interposed between the top plate 34 and the wire 19, the wire 19 is not in contact with the bottom surface of the contact region of the top plate (first stair-stepped metal layer). Applicant therefore submits that Merchant does not anticipate claim 1, and requests allowance of this claim.

Claims 2, 6 and 7 depend from claim 1 and inherently include all of the limitations of the base claim. As discussed above, the prior art does not teach the limitations of the base claim much less the further embodiments of the dependent claims. Therefore, claims 2, 6 and 7 are allowable for their dependency and their own merits. Allowance of these claims is requested.

Claim Rejections – 35 U.S.C. § 103

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over any of Merchant as applied above in view of U.S. 6,800,923 to Yamamoto.

Claim 5 depends from claim 1 and inherently includes all of the limitations of the base claim. As discussed above, the prior art does not teach the limitations of the base claim much less the further embodiments of the dependent claims. Therefore, claim 5 is allowable for its dependency and its own merits. Allowance of this claim is requested.

Conclusion

For the foregoing reasons, reconsideration and allowance of the claims of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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